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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,291	01/02/2004	Chien-Chang Ho	CFP-2357 (15722/614)	2389

23595 7590 04/27/2005

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EXAMINER
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LUM VANNUCCI, LEE SIN YEE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/751,291

Applicant(s)

HO, CHIEN-CHANG

Examiner

Lee Lum

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) all is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. Claim 1 is objected to because the following informalities:  
in line 3, "frame" should be preceded by "a".  
in line 4, "front fork" lacks antecedent basis.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-3, 9, 15 and 16** are rejected under 35 U.S.C. 102(b) as being anticipated by  
Read 4397369.

Read discloses a beach buggy 12 comprising  
Frame (unidentified, inherent),  
Front 24, and rear 14, wheels, supported by front 26, and rear (unidentified), forks,  
Front engine 10 installed on front fork, and connected with the front wheel,  
Rear engine connected with the rear wheel (c3, In 22-30; "any wheel or... number of  
wheels...may be power-driven, by its own engine"),  
Front (fig 2), and rear (c3, In 22-30), transmissions,  
Seat (unidentified) and post 32.

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 4-8 and 10-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Read in view of Wheaton 4267898.

Re **Claims 4, 5, 7, 10, 11 and 13**, Read does not disclose a particular transmission, while Wheaton's vehicle 10 shows a transmission (fig 4) comprising

- Axle 40 extending across the frame,
- First element 43 connected with the engine 34,
- First axle element (unidentified, adjacent belt 39) at end of the axle,
- First belt 39 connecting the first element and axle element,
- Second element (unidentified pulley to right of belt 39) connected adjacent an opposite end of the axle,
- Second wheel element 51 at end of the respective wheel,
- Second belt 41 connecting the second element and wheel element.

Read's transmission is functionally equivalent to that shown in Wheaton. While Wheaton's transmission does not disclose pinions/gears, but shows pulleys, these types of transmission elements are also functionally equivalent.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this alternate transmission, as shown in Wheaton, to provide a functionally equivalent configuration that has decreased weight, but is well-known and reliable. In this way, applicability is increased. Prior art provides various transmission arrangements are very well-known, and functionally equivalent to one another. The particular type selected is dependent on the application/vehicle.

Re **Claims 6, 8, 12 and 14**, Read's functionally equivalent transmission discloses first and second chains (fig 2), while Wheaton shows belts. It is very well-known that the two types are functionally equivalent.

4. The prior art considered pertinent to the disclosure, but not relied upon, include(s):  
Ho 6752229, Persson 6557657, Pietro 4770434, Soucy et al 4393954, Muto 4172504, 4014402, Benz 3939931, Darras 3903980.

5. Communication with the Examiner/USPTO

Any inquiry concerning this communication, or others, should be directed to Ms. Lum at 571 272-6649, M-F, 9-5. If she cannot be reached, her supervisor, Ms. Lesley Morris, may be reached at 571 272-6651. Our central fax number is 703 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) System. For unpublished applications - private PAIR only. For published applications - private or public PAIR. For more information re PAIR - <http://pair-direct.uspto.gov>. Questions re private PAIR - contact the Electronic Business Center (EBC) at 866 217-9197.

Ms. Lee S. Lum-Vannucci  
Examiner  
4/25/05

